IN WE. PETITION FOR ZONING VARIANCE NE/S Greenbank Road, opposite

* BEFORE THE * DEPUTY ZONING COMMISSIONER N/end of Choptank Road (7132 Greenbank Road) * OF BALTIMORE COUNTY

isth Election District 5th Councilmanic District * Case No. 92-176-A Mildred H. Freund

peritioner * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Sections 400.1 and 1602.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet in a D.R. 5.5 zone, and to permit accessory structures (shed and gazebo) to be located in the front yard in lieu of the required rear yard, as more particulary described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition was Dan Scroggs. There were no Protestants.

Testimony indicated that the subject property, known as 7132 Greenbank Road, consists of .213 acres more or less zoned D.R. 5.5 and is improved with a single family dwelling, shed and gazebo. Said property is located within the Chesapeake Bay Critical Areas on the Gunpowder River. Petitioners filed the instant Petition as a result of a complaint filed with the Zoning Enforcement Division of the Zoning Administration and Development Management office as to a fence Petitioner had installed and to legalize the subject accessory structures which are located in what is considered the front yard of this waterfront property. Testimony indicated that Petitioner recently had the subject gazebo and fence erected on the waterfront side of her property. Petitioner testified that her immediate neighbors have no objections to the improvements made and that to require strict compliance with the zoning regulations would create practical difficulty and unreasonable hardship for her. Testimony and evidence presented indicated that the subject dwelling was constructed in 1940 in the Oliver Beach subdivision which was developed with 50-foot wide lots. Further testimony indicated that the subject dwelling is located 15 feet from the rear property line on Greenbank Road as depicted on Petitioner's Exhibit 1. Petitioner testified the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27 day of November, 1991 that the Petition for Zoning Variance from Sections 400.1 and 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet in a D.R. 5.5 zone, and to permit accessory structures (shed and gazebo) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded.

2) Compliance with all Zoning Plans Advisory Committee comments submitted hereto, including, but not limited to, any final recommendations to be submitted by DEPRM upon completion of their review of this project. Written proof of compliance with any final recommendations made by DEPRM must be submitted to the Zoning Commissioner's Office for review and inclusion in the case file prior to the issuance of any permits.

> Deputy Zoning Commissioner for Baltimore County

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public safety and welfare secured. - 2-

CRITICAL AREA

Petition for Variance to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 and 1802.3.c.1 to allow a 50 width of property and accessory structures in the front yard in lieu of the required rear yard (WATERFRONT). of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) (See Attached)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Pelition. Legal Owner(s): MILDRED H. FREUND mildred H. Freund _-----(Type or Print Name) 7132 Greenbank Road (301) 335-2314 Baltimore, Md. 21220 Name, address and phone number of legal owner, contract purchaser or representative to be contacted

ESTIMATED LENGTH OF HEARING -1/2HR. AVAILABLE FOR HEARING HON./TUES./WED. - NEXT TWO HONTHS REVIEWED BY: To whom it may concern:

Stated below are the reasons that would cause an undo hardship regarding the possible movement of the existing gazebo.

- 1. Firstly, the gazebo is a permanent structure, on concrete block, weighing 3000 lbs. and therefore would be a true burden to attempt to move it.
- 2. Secondly, there is not enough room on either of the 3 other sides of the house to place it even if it could be moved. Also, please note that this is an open see - thru structure that does not obstruct any neighbor's view.
- 3. Thirdly, the topography of the land dictates that the place selected for the Gazebo is the only practical place to position it. The slope of the ground is too steep to move the gazebo forward and to move it back would impair the
- 3. Fourth, as it is already paid for (\$2500), it would be a financial burden to lose it
- 4. Finally, the gazebo was purchased after checking with zoning and upon showing them a site plan we were informed that we did not need a permit as the gazebo was under 100 square feet.

ZONING DESCRIPTION

CRITICAL APIEA

92-176-A

Beginning at a point on the north side of Greenbank Rd. which is 30 feet wide at the distance of 25 feet west of the center line of the nearest improved intersecting street, Choptank Road, which is 30 feet wide. Being Lot #32, Section B in the subdivision of Oliver Beach as recorded in Baltimore County Plat Book #12, Folio #56, containing 9,275 square feet. Also known as 7132 Greenbank Road in the 15th Election District.

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

Very truly yours,

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

November 27, 1991

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

above-captioned matter. The Petition for Zoning Variance has been granted

able, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

NE/S Greenbank Road, opposite the N/end of Choptank Road

15th Election District - 5th Councilmanic District

Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4 Annapolis, Md. 21404

DEPRM

cc: People's Counsel

TMK:bjs

111 West Chesapeake Avenue

Ms. Mildred H. Freund

Baltimore, Maryland 21220

Case No. 92-176-A

RE: PETITION FOR ZONING VARIANCE

Mildred H. Freund - Petitioner

in accordance with the attached Order.

(7132 Greenbank Road)

7132 Greenbank Road

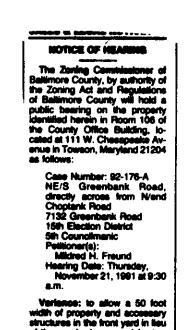
Dear Ms. Freund:

Towson, MD 2120a

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

887-3353

Tobest, maryum	
Posted for:	Date of Posting 11/5/21
Mildred H. Fleu	nd Rd., at Nlend & chaptank Bd
1132 6/con boxx 1	on Ad., appros 3 FT. 100 daloy
an Goods & Lelilis	H-4:
Posted by	Date of return: 11 / 5 / 3/



of the required rear yard (water front) and 55 ft. width.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 10 31. 1991

THE JEFFERSONIAN.

CERTIFICATE OF PUBLICATION THE AVENUE NEWS

442 Eastern Bivd.

October 31 1901

THIS IS TO CERTIFY, that the annexed advertisement of

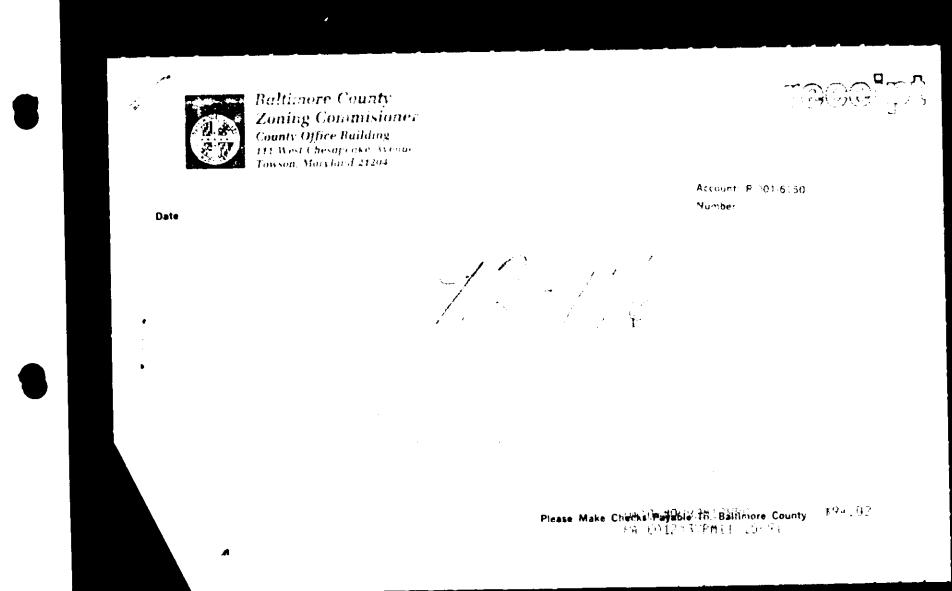
Mildred H. Freund in the matter of Zoning Hearing of 7132 Greenbank Rd. Case #92-176-A P.O. # 0116137, Req #M49778, 52.5 lines @.60 or \$31.50

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for ______ successive week(s) before the 1 day of November 19 91; that is to say, the same was inserted in the issues of October 31 19 91.

The Avenue Inc.

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a publichear ing on the property identified herein in Room 106 of the County Office Building, located at 111 W Chesa-peake Avenue in Towson, Maryland 21204 as follows: Case Number: 92-176-A NE/S Greenbank Road, directly across from Mend Choptank Road 7132 Greenbank Road 15th Election District - 5th Councilments
Petitioner(s): Mildred H. Freund HEARING: THURSDAY, NOVEMBER 21, 1991 at 9:30 A.M. Variance to allow a 50 foot width of property and accessary structures in the front yard in lieu of the required rear yard (waterfront) and

887-3353



Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

Mildred H. Freund 7132 Greenbank Road Baltimore, Maryland 21220

DATE:

111 West Chesapeake Avenue

Towson, MD 2120+

CASE NUMBER: 92-176-A NE/S Greenbank Road, directly across from M/end Choptank Road 7132 Greenbank Road 15th Election District - 5th Councilmanic Petitioner(s): Mildred H. Freund HEARING: THURSDAY, NOVEMBER 21, 1991 at 9:30 a.m.

Dear Petitioner(s):

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Lawrence E. Schmidt ZONTING COMMISSIONER BALTIMORE COUNTY, MARYLAND

Office of Zoning Administration and Development Management Office of Planning & Zoning

OUTOBER 22, 1991

111 West Chesapeake Avenue

Towson, MD 2120 c

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified berein in Rooms 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Baltimore County Government

CASE NUMBER: 92-176-A NE/S Greenbank Road, directly across from N/end Choptank Road 7132 Greenbank Road 15th Election District - 5th Councilmanic Petitioner(s): Mildred H. Freund HEARING: THURSDAY, NOVEMBER 21, 1991 at 9:30 a.m.

Variance to allow a 50 foot width of property and accessary structures in the front yard in lieu of the required rear yard (waterfront) and 55 ft. width.

Zoning Commissioner of Baltimore County

cc: Mildred H. Freund

Saltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

November 6, 1991

Ms. Mildred H. Fruend 7132 Greenbank Road Baltimore, MD 21220

RE: Item No. 189, Case No. 92-176-A Petitioner: Mildred H. Freund Petition for Variance

Dear Ms. Fruend:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committe Coments Date: November 6, 1991

Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

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Zoning Plans Advisory Committee

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Enclosures

altimore County Government office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 11th day of October, 1991.

Petitioner: Mildred H. Freund Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: October 29, 1991 Arnold Jablon, Director Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Parkwood Cemetery, Item No. 184 Flamm Property, Item No. 167 Guercio Property, Item No. 168 Ferenc Property, Item No. 169 Wasilewski Property, Item No. 170 Mahaffey Property, Item No. 173 Miller & Hatfield Property, Item No. 179 Yan Property, Item No. 186 Charvat Property, Item No. 187 Reynolds Property, Item No. 188 Freund Property, Item No. 189

In reference to the petitioners' requests, the staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM184/TXTROZ

RE: Froperty Ovic : MILITED B. FRUEND

Iccation: Item Fc.: 189 Zoning Agenda: CCTORER 22, 1991

#7132 CHEENFANK FOAD

Certlerer:

Fursuant to your request, the referenced property has been surveyed by this Fureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. T. The Five Trevention Trees for recommends at this time.

JP/KEK

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: November 6, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 22, 1991

This office has no comments for item numbers 124, 166, 167, 168, 169, 173, 174, 175, 176, 179, 180, 181, 182, 184, 186, 187, 188 and 189.

INTER-OFFICE CORRESPONDENCE

DATE: October 25, 1991 TO: James E. Dyer Zoning Supervisor

ZENING ENFORCEMENT Baltimore County Zoning Office Towson, Maryland 21204

FROM: James H. Thompson Zoning Enforcement Coordinator

Petitioner: Mildred H. Freund

VIOLATION CASE # C-92-185 LOCATION OF VIOLATION 7132 Greenbank Road

DEFENDANT Mildred H. Freund

ADDRESS 1304 Regester Avenue

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

Mr. Dave Kilchenstein

7130 Greenbank Road Baltimore, Maryland 21220

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

cc: Gwen Stephens Development Control

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 29, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

92-176-A NOV. 3-1

Zaning Advisory Committee Meeting for October 22, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 124, 167, 168, 169, 170, 173, 176, 178, 179, 180, 184, 186, 187, 188 and 189.

In addition, we have no comments at this time for Item #438 (Case No. 91-466).

For Item 166, we will have no comments until the County Review Group Meeting.

For Item 171, see our County Review Group comments dated October 10, 1991.

For Items 174 and 175, minor subdivision review comments were prepared for this site, dated October 9, 1990.

Item 181 represents a minor subdivision, which should be processed through the minor subdivision procedures.

For Item 182, no comments are necessary on density transfer.

Developers Engineering Division

2680-92 11/21/91 92-176-4

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

DATE: November 22, 1991

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 189 Chesapeake Bay Critical Area Findings

SITE LOCATION The subject property is located at 7132 Greenbank Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mildred E. Freund

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 and 1802.3.C.1 of the Baltimore County Zoning Regulations to permit a 50 foot width of property and accessory structure in the front yard in lieu of the required rear yard and 55 foot width.

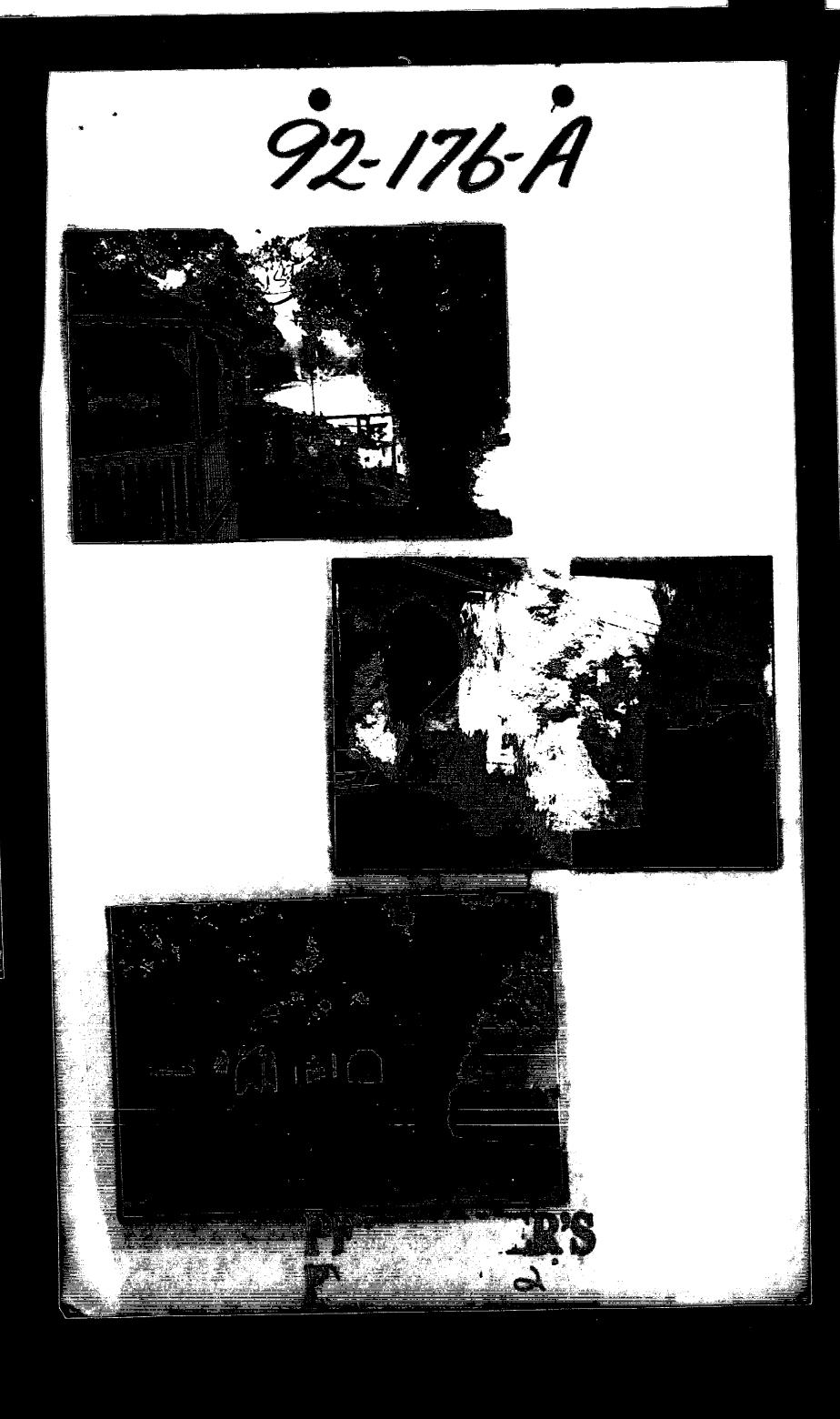
GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Plat to accompany Petition for Zoning Variance Special Hearing.

PROPERTY ADDRESS: 7132 Greenbank Rd. see pages 5 & 6 of the CHECKLIST for additional required information Subdivision name: Oliver Beach
plat book# 12 ,folio# 56 ,lot# 32 ,section# 8 -92-176-A OWNER: Mildred H. Freund LOCATION INFORMATION Councilmanic District: 5*h Election District: |5th 1"-200" scale map#: NE 5M Lot size: .213 9,275 square feet



92-176-A

